

PETER C. HARVEY
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Complainants Attorney General and the
Director of the Division on Civil Rights
Division of Law
124 Halsey Street - 5th Floor
P.O. Box 45029
Newark, New Jersey 07101

By: Anne Marie Kelly
Brian O. Lipman
Deputy Attorneys General
Tel.: (973) 648-4846

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND
PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DCR DOCKET NO.:AG14HB01564

_____	:	<u>CONSENT ORDER</u>
IN THE MATTER OF:	:	
	:	
NATIONAL AMUSEMENTS	:	
_____	:	

WHEREAS, the Attorney General of the State of New Jersey ("Attorney General") and the Director of the New Jersey Division on Civil Rights ("Director") are charged with the responsibility of enforcing the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. ("LAD"), and all regulations promulgated thereunder N.J.A.C. 13:13-1.1 et seq.; and

WHEREAS, the Division has identified issues involving the interest of the deaf and hard of hearing at places of public accommodations owned or operated by National Amusements

("National") and

National is willing to cooperate with the Division to address those issues; and

WHEREAS, National enters into this Consent Order in the interest of better serving the deaf and hard of hearing people and makes no admission of liability or wrongdoing under the LAD and its regulations; and

WHEREAS, the parties have reached an amicable agreement resolving any and all issues in connection with potential violations of the LAD and its regulations;

**NOW THEREFORE, it is on this day of September, 2004,
AGREED AND ORDERED as follows:**

DEFINITIONS

1. As used in this Consent Order, the Rear Window Closed Captioned System ("RWC") is a system that displays reversed captions on a light-emitting diode("LED") text display which is mounted in the rear of a theater. Deaf and hard-of-hearing patrons use transparent acrylic panels attached to the seats to reflect the captions so that they appear superimposed on the movie screen. The reflective panels are portable and adjustable, enabling the caption user to sit almost anywhere in the theater.

2. As used in this Consent Order, the DVS Technical System ("DVS") is a system which delivers descriptive narration via infrared listening systems, enabling blind and visually impaired

moviegoers to hear the descriptions on headsets. The descriptions provide narrated information about key visual elements such as action settings, and scene changes, making movies more meaningful to people with vision loss.

3. This Consent Order applies to theaters operated by National and situated only in the State of New Jersey.

BUSINESS PRACTICES

4. By entering into this Consent Order, the parties agree that there are no admissions of liability or wrongdoing or findings of liability or wrongdoing under the LAD and its regulations.

5. Within ninety (90) days from the effective date of this Agreement, National agrees to install RWC and DVS systems at one screen at its All Jersey Multiplex Cinemas, located at 104-180 Foundry Street, Newark, New Jersey.

6. Within ninety (90) days from the effective date of this Agreement, National agrees to install RWC and DVS systems at one screen at its Amboy Multiplex Cinemas, located at Us Highway 9 & Route 35, Sayreville, New Jersey

6. Within ninety (90) days from the effective date of this Agreement, National agrees to install RWC and DVS systems at one screen at its Atco Multiplex Cinemas, located at 178 White Horse Pike, Atco, New Jersey.

7. Within ninety (90) days from the effective date of

this Agreement, National agrees to install RWC and DVS systems at one screen at its Edgewater Multiplex Cinemas, located at 339 River Road, Edgewater, New Jersey.

8. Within ninety (90) days from the effective date of this Agreement, National agrees to install RWC and DVS systems at one screen at its Hazlet Multiplex Cinemas, located at 2821 Route 35, Hazlet, New Jersey.

9. Within ninety (90) days from the effective date of this Agreement, National agrees to install RWC and DVS systems at one screen at its Multiplex Cinemas at Town Center Plaza, located at 319 Route 130 North, East Windsor, New Jersey.

10. National will provide notices of the scheduled movies for which RWC and DVS are available in any advertisement controlled and utilized by National. This shall apply to newspaper advertisements, telephone advertisements, its own website, any other website, or any other means of advertising controlled and utilized by National. As to any other media not controlled by National, National agrees to request that notice of the scheduled movies for which RWC and DVS is available be included in the advertisements. Nothing in this paragraph shall require National to run additional advertisements in any medium. This paragraph does not apply to advertisements that do not mention specific

movies being shown in the State of New Jersey.

11. National will maintain at a minimum ten (10) seat reflector screens for each RWC system installed in its following theaters in New Jersey.

- a. Amboy Multiplex Cinemas
- b. Atco Multiplex Cinemas
- c. Edgewater Multiplex Cinemas
- d. Hazlet Multiplex Cinemas
- e. Multiplex Cinemas at town Center Plaza

12. National will maintain at a minimum fifty (50) seat reflector screens for the RWC system installed in its All Jersey Multiplex Cinemas.

13. National agrees to install RWC and DVS systems at one (1) screen at all newly constructed or acquired theaters in New Jersey with ten or more screens. If a newly constructed theater has more than fifteen (15) screens, National will install two additional RWC and DVS systems. If National acquires a theater in New Jersey with more than fifteen (15) screens, the Division reserves the right to request that National install two RWC and DVS systems in said theater. If such request is denied by National, the Division reserves the right to institute litigation against National with respect to only that theater. Said litigation will

not void or nullify any terms and conditions of this agreement. If National acquires a theater in New Jersey which has RWC and DVS systems in two more screens, National shall not discontinue the operation of those systems.

14. At the time the RWC and DVS systems are installed in each of its theaters, National shall develop and post a written notice prominently displayed in its box office and the lobby of the theater informing its patrons that the RWC and DVS systems are available for a specific movie, with instructions as to how to access this system.

15. National shall designate one individual and an alternate at each theater to monitor that the RWC and DVS systems are in operating condition.

16. National shall train all appropriate employees, such as cashiers, ushers and customer service representatives, etc., as to the use of the RWC and DVS systems.

17. As space is available, National will provide the Attorney General with the opportunity to have the Attorney General's public service announcements' played on the movie screen prior to the showing of the movie. If National has concerns with the content of any Attorney General public service announcement, National will immediately contact Deputy Attorney General Anne

Marie Kelly by facsimile and regular mail as listed below and the parties will mutually resolve such concerns.

Anne Marie Kelly
Deputy Attorney General Division of Law
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07010
Facsimile Number: (973) 648-3879

GENERAL ASSURANCES

18. If National fails to comply with the provisions of this Consent Order, each failure to comply shall be deemed a violation of the LAD, entitling plaintiffs to seek such relief and remedies available under the LAD, including N.J.S.A. 10:5-14.1a.

19. This Consent Order shall bind the parties and shall be binding on and be for the benefit of any and all future purchasers, merged parties or other successors in the interest of National.

20. In the event technology is developed superior to the RWC system, either party may request to renegotiate the terms of this Consent Order. No such request would invalidate this Consent Order.

21. The parties agree that for purposes of enforcement of this Consent Order, New Jersey law shall govern the terms and provisions hereof.

22. This Consent Order constitutes the entire agreement

between the parties hereto and shall bind the parties hereto and their respective officers, directors, agents, representatives, employees, successors and assigns.

23. The parties represent that an authorized representative of each has signed this Consent Order with full knowledge, understanding and acceptance of its terms and has done so with authority to legally bind the respective party.

24. Any amendments to this Consent Order must be in writing and signed by all the parties hereto.

25. This Consent Order shall constitute a Final Agency Order and is effective upon filing and receipt by National of a fully-executed counterpart.

NEW JERSEY DIVISION ON CIVIL RIGHTS

By: 
J. FRANK VESPA-PAPALEO, ESQ.
DIRECTOR

Dated: 9/10/04

I have read the above Consent Order, understand it and hereby agree to be bound according to its terms. National hereunder consents as to the form and entry of this Order.

NATIONAL AMUSEMENTS

By: 

WILLIAM J. TOWEY

SENIOR VICE PRESIDENT, OPERATIONS

Dated: September 8, 2004